

REMARKS

Claims 1-10 and 12-23 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner states that "The language "contrast enhancing amount" is understandable only as such as those uses in the Examples. What is an amount in mol/m² or g/m² that is not able to provide a contrast enhancement? Until applicants convincingly provide such evidence. The claimed language is reasonably considered and examined to about the amount as tested in the Examples only." Applicants respectfully traverse this rejection. The language "contrast enhancing amount" was only put into the claim in response to the Examiner's concern that the claim might cover such a small amount of the electron transfer agent releasing compound that it would not provide the advantage of the invention. In order to expedite prosecution, Applicants have removed the phrase "contrast enhancing amount" and have amended claim 1 to include the concentration range of claim 7. The claim can no longer be considered to be indefinite since a numerical range has been provided.

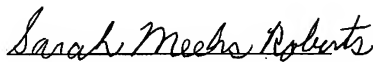
Claims 1-10 and 12-23 with respect to the applied and elected E-2 species were rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai et al (5,830,627) alone or with Lunt et al (6,110,657). The Examiner states that "Nakai et al disclose, teach, suggest, demonstrate and reduce to practice with a method for a color development of a photosensitive silver bromiodide photographic material in less than 200 seconds; wherein a dye-forming unit containing a compound being read on the general formula as claimed being close to a support of the photographic material." The Examiner further states that "it would have being obvious to one having ordinary skill in the art at the time the invention was made to apply or use the related compound from Lunt et al as those disclosed....to obtained the same or substantially the same result as disclosed.....in Nakai et al. Applicants respectfully traverse this rejection.

Applicants have argued in detail in the prior Amendment dated June 2, 2003 how the compounds of Nakai differ from the compounds of the current invention and compound E-2 of Lunt. All of the Nakai compounds require the presence of a complexing agent in the developer solution that undergoes a reaction with the Zn in the ETA releasing compound that then releases or activates the ETA. The compounds of the invention do not include a chelating group such as described in Nakai. Such a group is not shown in the structure of the inventive compounds or described in the specification.

Applicants have submitted herewith a Declaration which shows that the compounds of Nakai do not increase contrast unless there is a specific complexing agent in the developer, i.e., 2,6-pyridinedicarboxylic acid. In fact, the compounds of Nakai actually decrease contrast when used in a photographic element without special development conditions. This clearly differentiates the compounds of Applicants' invention which do not require a specific complexing compound in the developer in order to increase contrast.

In light of the above amendments and remarks, Applicants respectfully request that the claims as amended be allowed.

Respectfully submitted,


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